

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA

-against-

**CERTIFICATE**

07 Cr. 177 (DAB)

RAGHUBIR K. GUPTA,  
Defendant.

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**JEFFREY C. HOFFMAN**, an attorney duly admitted to practice law before this Court,  
affirms as follows:

1. I am a member of the firm of Hoffman & Pollok LLP, attorneys for the defendant  
RAGHUBIR K. GUPTA.

2. I have read the Affidavit of Raghbir K. Gupta in support of his application to  
recuse trial judge Deborah Batts.

3. After discussing this motion with Mr. Gupta at length, I am convinced that he  
holds a subjective belief, in good faith, that the court is biased or prejudiced against him and  
would therefore be unable to preside fairly over his retrial.

4. In researching the bases for this motion, I have been unable to find any case law  
that would support recusal on the facts stated. I believe that it would preserve the appearance of  
propriety, and that it would be in the defendant's best interest and in the interests of the public,  
for the accused to be tried before a judge that he or she perceives as fair and unbiased.

5. I under that, under 28 U.S.C. §144, this application must be decided by a different  
judge.

Dated: New York, New York  
December 30, 2013

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JEFFREY C. HOFFMAN